

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS L. FRANKLIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:12-CV-211
CRIM. NO. 2:08-CR-186(14)
JUDGE SARGUS
MAGISTRATE JUDGE KING

ORDER

On April 2, 2013, the United States Magistrate Judge recommended that all of petitioner's claims be dismissed, except the claim of ineffective assistance of counsel. *Order and Report and Recommendation*, Doc. No. 1423. Although the parties were advised of their right to object to the recommendation and of the consequences of their failure to do so, there has been no objection.

The *Report and Recommendation*, Doc. No. 1423, is **ADOPTED AND AFFIRMED**. Petitioner's claims are **DISMISSED**, except his claim of ineffective assistance of counsel based on his attorney's alleged failure to advise him that, should he plead guilty to the gun charge in Count 107, he would be ineligible for a "safety valve" reduction of his sentence on the drug charge in Count 2 to less than the mandatory minimum. As to this claim, counsel shall be appointed for petitioner and the matter is **REFERRED** to the Magistrate Judge for an evidentiary hearing.

4-23-2013
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE